

26-8a-405.1 Selection of provider by political subdivision.

- (1)
 - (a) Only an applicant approved under Section 26-8a-405 may respond to a request for a proposal issued in accordance with Section 26-8a-405.2 or Section 26-8a-405.4 by a political subdivision.
 - (b) A response to a request for proposal is subject to the maximum rates established by the department under Section 26-8a-403.
 - (c) A political subdivision may award a contract to an applicant in response to a request for proposal:
 - (i) in accordance with Section 26-8a-405.2; and
 - (ii) subject to Subsection (2).
- (2)
 - (a) The department shall issue a license to an applicant selected by a political subdivision under Subsection (1) unless the department finds that issuing a license to that applicant would jeopardize the health, safety, and welfare of the citizens of the geographic service area.
 - (b) A license issued under this Subsection (2):
 - (i) is for the exclusive geographic service area approved by the department in accordance with Subsection 26-8a-405.2(2);
 - (ii) is valid for four years;
 - (iii) is not subject to a request for license from another applicant under the provisions of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's license is revoked under Section 26-8a-504; and
 - (iv) is subject to supervision by the department under Sections 26-8a-503 and 26-8a-504.
- (3) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of Sections 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

Amended by Chapter 187, 2010 General Session